

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GILBERT PETERS,

Plaintiff,

Case No. 05-60221

v.

Honorable John Corbett O'Meara

OFFICE OF SECRETARY OF VETERANS  
AFFAIRS and ASSISTANT LOAN  
GUARANTY OFFICER J. J. HANLEY, JR.,

Defendants.

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**ORDER DENYING PLAINTIFF'S OCTOBER 20, 2005 MOTION TO REMAND**

This matter came before the court on plaintiff Gilbert Peters' October 20, 2005 motion to remand. Defendants filed a response November 29, 2005; and Plaintiff filed a reply December 13, 2005. No oral argument was heard.

Plaintiff Gilbert Peters filed suit against the Office of the Secretary of Veterans Affairs ("VA") and VA loan officer J. J. Hanley, Jr., of the Cleveland, Ohio office, seeking declaratory and injunctive relief to qualify for a VA housing loan for which he had been administratively denied. Defendants filed a timely notice of removal of this matter September 20, 2005.

Pursuant to 28 U.S.C. § 1442(a)(1), a civil action commenced in state court may be removed by the United States or any agency thereof or by any officer of any agency sued in an official or individual capacity for any act under color of such office. In addition, this action is removable by Defendants pursuant to 28 U.S.C. § 1441(b) without regard to citizenship or residence of the parties as an action founded on a claim or right arising under the laws of the United States.

Therefore, it is hereby **ORDERED** that Plaintiff's October 20, 2005 motion to remand is **DENIED**.

s/John Corbett O'Meara  
John Corbett O'Meara  
United States District Judge

Dated: January 11, 2006